REMARKS

Applicant has amended claims 1-9 to cure typographical errors. Applicant notes that all amended claims are fully supported by the original disclosure and do not constitute new matter.

Turning to the substantive matters raised, the Examiner has rejected Claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over Schuster et al., U.S. Patent 6,954,454 (herein '454), in view of Wiedeman et al., U.S. Patent 6,233,463 (herein '463).

Applicant respectfully disagrees.

In order for a claim to be rendered obvious by prior art or by a combination of prior art, the resulting combination must teach all the elements of the claim. Additionally, there must be sufficient motivation for the Examiner to combine multiple prior art sources to render the claim obvious.

It is the Examiner's position that Claim 1 of the present invention is obvious in light of the disclosures made in the '454 patent, when combined with the '463 patent's disclosure of bi-directional satellite RF links.

The cited prior art patents fail to render the present invention obvious. The Examiner has not provided sufficient motivation to combine the prior art patents. Additionally, even if there were sufficient motivation to combine the prior art patents, the resulting combination would not teach all the elements disclosed by the rejected claims.

The '454 patent is classified under the U.S. classification scheme as "combined circuit switching and packet switching". This differs from the '463 patent, which is classified as "telecommunication transceiver." The only way possible for the Examiner to combine these references would be to use the present invention as a starting point. This constitutes impermissible hindsight. The '463 patent speaks solely to the use of a satellite communication system, it does not direct itself to IP

networking at all. Conversely, the '454 patent fails to teach all the elements found in the cited claims of the present invention.

The '454 patent does not fully describe the present invention. It does not fully teach the present invention even when the disclosure is combined with the disclosure of the '463 patent. The present invention allows for interconnection of the network exchange core and the local exchange or local resident's exchange by **both** physical connections and radio bridge satellite connections. Additionally, the present invention can incorporate data in a range that exceeds the IP protocol, i.e the network is not designed to carry only IP protocol enabled data packets. The '454 patent restricts itself to only IP protocol. The resulting combination of the prior art patents does not teach all the elements of the rejected claims therefore the rejection under 35 U.S.C. § 103(a) is invalid.

The Examiner has rejected claims 4 and 5 as unpatentable over Schuster et al.,('454 patent) in view of Wiedeman et al., ('463 patent) in further view of Bosch et al., U.S. Patent No.: 5,839,053, herein '053 patent.

Applicant respectfully disagrees

The Examiner has failed to provide sufficient motivation to combine the cited prior art patents. As stated previously, the '454 and '463 patents are not in related fields. This is evidenced by their different international and U.S. classifications. The '053 patent and the '463 patent share similar classifications but they are not in the same field, but in related fields. This is insufficient to justify a finding of obviousness. The '454 and '053 patents are not in the same field of endeavor and should not be combined to obviate the present invention. The Examiner simply states that the motivation for combining the prior art patents would be to provide the functionality of the present invention. The Examiner does not state where in the prior art this functionality was suggested or envisioned. The Examiner merely states the motivations with no evidence to support them.

Additionally, even if the prior art patents were combined, the resulting combination would not teach all the elements of the cited claims. Contrary to the

position of the Examiner, claim 4 does not require the use of satellites, nor the use of geostationary satellites. The Examiner's stated motivation for combining the previously cited prior art patents with the '053 patent was to produce a combination that would teach the use of geostationary satellites. As a result the cited prior art patents do not teach every element of the rejected claims. As previously stated, claim 1 of the present invention discloses a multiple protocol ability as well as dual mode connectivity. Claim 4 is a dependent claim from claim 1, as such, the prior art patents that failed to render claim 1 obvious also fail to render claim 4 obvious.

Any combination of the cited prior art patents would fail to teach all the elements found in claim 5. Primarily, claim 5 is dependent on claim 4, therefore a failure to obviate claim 4 would result in a failure to render obviate claim 5. Additionally, claim 5 possesses elements that are not taught by any combination of the prior art patents . Claim 5 discloses the ability of the disclosed invention to interact with network architecture that is based on transport in urban area with a plurality of remote cells. None of the cited prior art patents disclose this element of the claim. As such, no combination of the prior art patents could teach all the elements of the claim. Therefore, the rejection based on 35 U.S.C. § 103(a) is invalid.

Conclusion

Based on the foregoing, Applicant respectfully submits that the present claimed invention is not rendered unpatentable under §103(a). Removal of the rejections based on the references are therefore requested.

An early and favorable action is earnestly solicited.

Respectfully Submitted,

James V. Costigan
Registration No.: 25,669

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, N.Y. 10036-2646
(212) 302-8989

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